

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REX - REAL ESTATE EXCHANGE, INC.,
a Delaware corporation,

Plaintiff,

v.

ZILLOW, INC., et al.,

Defendants.

Case No. 2:21-CV-00312-TSZ

**STIPULATED MOTION AND
[PROPOSED] ORDER TO EXTEND
EXPERT REPORT DEADLINES**

NOTE ON MOTION CALENDAR:
August 12, 2022

STIPULATED MOTION AND
[PROPOSED] ORDER:
2:21-CV-00312-TSZ

ORRICK, HERRINGTON & SUTCLIFFE LLP
701 Fifth Avenue, Suite 5600
Seattle, Washington 98104-7097
+1 206 839 4300

1 Plaintiff REX-Real Estate Exchange, Inc. (“REX”) and Defendants Zillow, Inc., Zillow
2 Group, Inc., Zillow Homes, Inc., Zillow Listing Services, Inc., and Trulia, LLC (collectively
3 “Zillow”) and The National Association of Realtors (“NAR”), by their undersigned counsel,
4 respectfully request this Court to extend the deadlines for Expert Witness Disclosures under
5 FRCP 26(a)(2).

6 1. On June 9, 2021, this Court issued a Minute Order Setting Trial Date and Related
7 Dates (Dkt. No. 81), setting the deadline for disclosure of expert testimony under FRCP 26(a)(2)
8 for March 28, 2022.

9 2. On March 17, 2022, this Court issued a Minute Order (Dkt. No. 121) granting
10 the parties’ Joint Motion for Relief From Deadlines (Dkt. No. 120), and extended the deadline
11 for Expert Witness Disclosure/Reports under FRCP 26(a)(2) for September 26, 2022. Under
12 FRCP 26(a)(2)(D)(ii), rebuttal reports are due October 26, 2022.

13 3. The parties agree that, in the interest of efficiency, a short extension of the
14 deadline for expert witness reports under FRCP 26(a)(2) is warranted as it would allow for a
15 few more weeks to complete document productions and depositions. This will help to ensure
16 that the factual record is more developed before experts offer opinions.

17 4. The parties thus stipulate and agree that a short 23-day extension of the expert
18 report deadlines under FRCP 26(a)(2) will aid in the orderly litigation of this matter. The parties
19 further stipulate and agree to a short extension of the deadline for rebuttal expert testimony under
20 FRCP 26(a)(2)(D)(ii), to account for the Thanksgiving holiday. The other deadlines in this case
21 are not impacted by this proposed stipulation. The parties thus stipulate to the extension of the
22 below deadlines, provided such dates are agreeable to the Court:
23
24
25
26
27
28

	Current Deadline:	Proposed Deadline:
Disclosure of expert testimony under FRCP 26(a)(2)	September 26, 2022	October 19, 2022
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)(D)(ii)	October 26, 2022	December 2, 2022

Respectfully submitted this 12th day of August 2022.

By: /s/ David Boies

/s/ Ursula Ungaro

/s/ Carl Goldfarb

/s/ Stephen N. Zack

/s/ Augusto Cividini

/s/ Mark Rosencrantz

/s/ Teva F. Sempel

By: ******/s/ Aravind Swaminathan

/s/ Nicole Tadano

/s/ John "Jay" Jurata, Jr.

/s/ Russell P. Cohen

/s/ Naomi J. Scotten

/s/ Laura Najemy

BOIES SCHILLER FLEXNER LLP
David Boies (Admitted *Pro Hac Vice*)
333 Main Street
Armonk, NY 10504
dboies@bsflp.com

Ursula Ungaro (Admitted *Pro Hac Vice*)
Carl Goldfarb (Admitted *Pro Hac Vice*)
Stephen N Zack (Admitted *Pro Hac Vice*)
Augusto Cividini (Admitted *Pro Hac Vice*)
100 SE 2nd St., Ste. 28800
Miami, FL 33131
uungaro@bsflp.com
cgoldfarb@bsflp.com
szack@bsflp.com
acividini@bsflp.com

CARNEY BADLEY SPELLMAN, P.S
Mark Rosencrantz
Teva F. Sempel
701 Fifth Ave Suite 3600
Seattle WA 98104-7010
rose@carneylaw.com
sempel@carneylaw.com

Attorneys for Plaintiff REX-Real Estate Exchange, Inc.

ORRICK, HERRINGTON & SUTCLIFFE LLP
Aravind Swaminathan (WSBA No. 33883)
aswaminathan@orrick.com
Nicole Tadano (WSBA No. 40531)
ntadano@orrick.com
701 Fifth Avenue, Suite 5600
Seattle, WA 98104
Telephone: 206-839-4300
Facsimile: 206-839-4301

John "Jay" Jurata, Jr. (Admitted *Pro Hac Vice*)
jjurata@orrick.com
1152 15th Street, N.W.
Washington, DC 20005
Telephone: 202-339-8400

Russell P. Cohen (Admitted *Pro Hac Vice*)
rcohen@orrick.com
405 Howard Street
San Francisco, CA 94105
Telephone: 415-773-5700

Naomi J. Scotten (Admitted *Pro Hac Vice*)
nscotten@orrick.com
51 West 52nd Street
New York, NY 20005
Telephone: 212-506-5000

Laura Najemy (Admitted *Pro Hac Vice*)

lnajemy@orrick.com
222 Berkeley Street
Suite 2000
Boston, MA 02116
Telephone: 617-880-1800

***Attorneys for Defendants Zillow, Inc., Zillow
Group, Inc., Zillow Homes, Inc., Zillow
Listing Services, Inc., and Trulia, LLC***

****Pursuant to this Court's Electronic Filing
Procedure III L, the electronic signatory has
obtained approval from all other signatories.**

By: /s/ Thomas C. Rubin
/s/ Michael D. Bonanno
/s/ Peter Benson
/s/ Kathleen Lanigan
/s/ Ethan Glass
/s/ Samantha A. Strauss

QUINN EMANUEL URQUHART &
SULLIVAN, LLP
Thomas C. Rubin (WSBA Bar No. 33829)
tomrubin@quinnemanuel.com
1109 First Avenue, Suite 210
Seattle, WA 98101
Telephone: 206-905-7000
Facsimile: 206-905-7100

Michael D. Bonanno (Admitted *Pro Hac Vice*)
Peter Benson (Admitted *Pro Hac Vice*)
Kathleen Lanigan (Admitted *Pro Hac Vice*)
1300 I Street, Suite 900
Washington, D.C. 20005
Telephone: 202-538-8000
Facsimile: 202-538-8100
mikebonanno@quinnemanuel.com
peterbenson@quinnemanuel.com
katlanigan@quinnemanuel.com

COOLEY LLP
Ethan Glass (Admitted *Pro Hac Vice*)
Samantha A. Strauss (Admitted *Pro Hac Vice*)
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004-2400
Phone (202) 776-2244
Fax (202) 842-7899
eglass@cooley.com
sastrauss@cooley.com

Attorneys for The National Association of Realtors®

ORDER

IT IS HEREBY ORDERED that:

1. The following deadlines are amended as follows:

Disclosure of expert testimony under FRCP 26(a)(2)	October 19, 2022
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)(D)(ii)	December 2, 2022

DATED this ____ day of _____ 2022.

Thomas S. Zilly
United States District Court Judge